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Moreover it is unnecessary to do this for professional students of history. To work out the causal connection between events is the most difficult, as well as the most important part of the work of the historian, and no one who has attempted to do it is likely to have much faith in such generalizations as form the fundamental ideas of this book. As a socialist *tour de force* it has interest. The author has certainly taken pains to inform himself concerning the facts of American history. He has read with care most of the standard authorities and the monographic literature, and has dipped into the original material to a considerable extent. He has shown skill too in marshalling his facts so as to illustrate his theory. Those who already have faith in this theory and those who are concerned to combat it will no doubt read the book with interest if not with profit. But as a serious attempt to deal with history in a scientific spirit, to really do what the title implies, discover those influences which have worked beneath the surface to mould our social evolution and determine the events of our history, it can hardly be said to have any value at all.

GUY S. CALLENDER.

A History of the American Bar. By CHARLES WARREN of the Boston Bar. (Boston: Little, Brown, and Company. 1911. Pp. xii, 586.)

THIS is a book of great value to all scholars of American jurisprudence and to all practitioners who are interested in their profession. As described by the author in his preface, it is an historical sketch rather than a history. It seems to be an enlargement of parts of an address at some law school anniversary and, as is not unusual in such a case, features are left in the arrangement which are more appropriate to the original draft than to the present form. A number of quotations from earlier authorities in support of propositions are left in the text, instead of having been transferred to the notes. This is also the case with a number of illustrations not of sufficient interest to fatigued the attention of a casual reader, for which the notes are the proper place. These are not uncommon blemishes in the literary productions of a brief-maker. The greater part of chapters I. and VII. and other matter concerning the history of the bar in England, although suitable for such a discourse, seem to have no proper place in this history.

The most useful parts of the publication are, the catalogue of the leading members of the bar from the earliest colonial times to 1860, with the dates of their births and the official positions that they occupied; the enumeration of the leading text-books by American lawyers, with the dates of publication, which, we believe, have never previously been collected; the bibliographies attached to the chapters describing the bars of the colonies and of the states during the first quarter of a century since the Declaration of Independence; and the history of the origin

and development of several legal principles, such as the doctrine that a man cannot recover from his master damages for the negligence of fellow-servants, the law regulating the rights and liabilities of railroads and other corporations, the enlargement of the rights of married women, codification and other forms of procedure. The omission of the dates of the lawyers' deaths, although an economy of labor for the author, will exasperate many a reader. The bibliographies are by no means complete. In his discussion of the first lawyer who practised in New England, Thomas Lechford, the author says: "Little is known of him" (p. 68). Mr. Warren apparently has acquired his information second-hand from Governor Washburn and other Massachusetts writers of the nineteenth century and seems not to have heard of Lechford's *Note Book*, published by the American Antiquarian Society in 1893 with a sketch of the writer's life, by J. Hammond Trumbull, and annotations, many of them written by Judge Dwight Foster. We possess more full information as to Lechford's doings—even of his income, which was largely from sixpenny fees—than of the professional experience of any other colonial lawyer, and the books that he published in England after his banishment are still consulted by students of the history of New England. Although one note (p. 250) contains a quotation from that delightful book, Wharton's *American State Trials*, there is no mention of his series of short biographies of the leading members of the bar of the capital of Pennsylvania, where the phrase "Sharper than a Philadelphia lawyer" originated. Each of these was drafted by a descendant of one of these brilliant contemporaries and each, when furnished to Dr. Wharton, who told the story to the reviewer, piously ended with the statement, "He was the acknowledged leader of the bar in his time." While Dane's *Abridgment* and his work upon the Statutes of Massachusetts are mentioned, the reader is not informed of his part in framing the Northwestern Ordinance. Shirley's *Dartmouth College Case* is not mentioned. The story of the embracery of the Supreme Court and of the part of Webster's argument which is said to have been omitted from the report, is taken from the life of Webster, by Senator Lodge, who acknowledged his indebtedness for this to the book of John M. Shirley. There are a few misprints (*e. g.*, 14, 312, 315, 493). The index, although good and highly useful, is not complete in its references to the pages where the different names are mentioned.

The most exhaustive part of Mr. Warren's work is displayed in the discussion of the colonial bar and of the lawyers who reached eminence before 1830. This abounds in interesting anecdotes. In the history of later times, he seems to have been overwhelmed by the abundance of his material, and he omits descriptions of the characters, appearance, and manners of the leading lawyers during the middle of the nineteenth century, as well as the numerous stories about them and their sayings, which have been preserved by tradition and will soon be lost unless

recorded in a permanent form. Although the reminiscences of Jeremiah Mason are often quoted, none of his sarcasms are recorded. The brief reference to John Van Buren does not disclose to the reader that he was the most famous wit that has ever practised at the New York bar, nor his nick-name of "Prince", nor even that he was the son of a President. No one would suspect from reading the book that Charles O'Conor is still considered by the laity to be the greatest lawyer that New York has ever seen. The DeForest Divorce Case—as famous in its day as were later Tilton *v.* Beecher or The People *v.* Harry Thaw—is not even mentioned. There is no reference to the exuberant Latin quotations, the wit or the erratic habits of Rufus Choate.

There is still a void to be filled by the man who can write a book which will take a place in the legal literature of the United States like that held by Campbell's *Lives* in England. That others can do similar work has been proved by Mr. J. B. Atlay in his *Lives of the Victorian Chancellors*. That Mr. Warren can do the same seems probable from his description of the colonial bar. Should he rewrite and expand his work by adding another volume and eliminating the present superfluities, he will put the profession under great obligations to his pen.

ROGER FOSTER.

The Quakers in the American Colonies. By RUFUS M. JONES, M.A., D.Litt., Professor of Philosophy, Haverford College, assisted by ISAAC SHARPLESS, D.Sc., President of Haverford College, and AMELIA M. GUMMERE. (New York: The Macmillan Company. 1911. Pp. xxxii, 603.)

ALTHOUGH ordinarily Friends have had little concern for history, properly so called, perhaps because, in accordance with their religious belief, zeal for universal principles has been greater than interest in historical facts, they have made large contributions to the literary sources of history. Journals and memoirs of itinerant preachers, papers and testimonies given out against particular persons and sins, letters from one meeting to another of like or unlike degree, and the records of the various meetings—all these constitute a rich body of material for a diligent student, provided he be sufficiently sympathetic with the thought and language of Friends to read understandingly. Not only must he know the meaning which certain technical expressions had in the minds of those who used them, but he must also view the actions of Friends in the light of their creative principle, remembering, as Dr. Jones well says, that "There are persons, or at least there once were, who find all their life-values altered and all their utilitarian calculations shifted by an inner impulsion which says irresistibly, 'thou must!'" (p. 80). An objective survey of facts must be accompanied by a subjective appreciation of meaning and values. This qualification Dr. Jones, himself a